

REMARKS/ARGUMENTS

Claims 1-27 are pending in the present application. Claims 1-6 and 8-27 stand rejected under 35 U.S.C. § 102(b), and claim 7 stands rejected under 35 U.S.C. § 103(a). Reconsideration is respectfully requested in view of the above amendments to the claims and the following remarks.

A. Claims 1-6 and 8-27 Rejected Under 35 U.S.C. § 102(b)

Claims 1-6 and 8-27 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 7,046,478 to O'Rourke et al. (hereinafter, "O'Rourke"). In view of the above amendments to the claims and the following remarks, Applicant respectfully requests that the rejection of claims 1-6 and 8-27 be withdrawn.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." MPEP § 2131 (citing Verdegaal Bros. v. Union Oil Co. of California, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)). "The identical invention must be shown in as complete detail as is contained in the ... claim." Id. (citing Richardson v. Suzuki Motor Co., 9 USPQ2d 1913, 1920 (Fed. Cir. 1989)). In addition, "the reference must be enabling and describe the applicant's claimed invention sufficiently to have placed it in possession of a person of ordinary skill in the field of the invention." In re Paulsen, 31 USPQ2d 1671, 1673 (Fed. Cir. 1994).

Claim 1 is directed to a "method" that is performed by a "server system." Claim 1 has been amended to recite that the "server system" is a "Universal Plug and Play (UPnP) server system having media content available for streaming." These amendments are supported by at least paragraphs [04]-[05], [35]-[37], and [52] of Applicant's specification.

Claim 1 has also been amended to recite that the "method" is "for identifying an original format of the media content," and that "the method [is] implemented by a UPnP service." These amendments are supported by at least paragraphs [04], [36]-[38], and [56] of Applicant's specification.

Claim 1 has also been amended so that it now recites “identifying at least one media content identifier” and “identifying a plurality of stream access identifiers that are associated with the media content identifier.” In addition, claim 1 has been amended so that it now recites that “the stream access identifiers identify different media data streams corresponding to the media content.” These amendments are supported by at least paragraphs [42]-[45] of Applicant’s specification.

Claim 1 has also been amended to recite that “the media data streams compris[e] an original media data stream and a non-original media data stream.” In addition, claim 1 has been amended to recite that “the original media data stream corresponds to the original format of the media content and is streamed from the server system without transcoding or protocol translation being performed.” These amendments are supported by at least paragraphs [05], [39], [43]-[44], and [47] of Applicant’s specification.

Claim 1 has also been amended so that it now recites “determining which of the plurality of stream access identifiers corresponds to the original media data stream,” and “in response to a client request, providing the client with identifier information about the stream access identifier that corresponds to the original media data stream.” These amendments are supported by at least paragraphs [24], [52] and [59], of Applicant’s specification.

Applicant respectfully submits that O’Rourke does not disclose “a method for identifying an original format of ... media content,” as recited in claim 1. In contrast to claim 1, O’Rourke is not at all related to the difference between “original stream[s]” and “non-original stream[s]” of media data. O’Rourke is directed to an entirely different purpose, namely “delivering client requested content to the client along with additional content.” O’Rourke, col. 1, lines 9-10. O’Rourke describes “a playlist structure and technique” that “allows a server to add advertisements, previews of coming attractions, or other content to a playlist sequence....” *Id.*, col. 6, lines 4-8. This does not disclose “identifying an original format of ... media content,” as recited in claim 1. O’Rourke does not disclose “different media data streams corresponding to the same media content, the media data streams comprising an original media data stream and a non-original media data stream.” In fact, the word “original” is not used anywhere in O’Rourke.

In addition, Applicant respectfully submits that O'Rourke does not disclose "a method for identifying an original format of ... media content, the method being implemented by a UPnP service," as recited in claim 1. In fact, O'Rourke does not have anything to do with "a Universal Plug and Play (UPnP) server system," as recited in claim 1. The Examiner appears to acknowledge this in the Office Action. See Office Action, page 5 ("[O'Rourke] does not explicitly teach a method wherein the media content directory is maintained by a Universal Plug and Play content directory service implementation.").

The Examiner asserts that U.S. Patent Application Publication No. 2002/0027569 to Manni (hereinafter, "Manni") "teaches a method wherein the media content directory is maintained by a Universal Plug and Play content directory service implementation." Office Action, page 5. Even if this assertion is correct, Manni does not disclose "a method for identifying an original format of ... media content," as recited in claim 1. Manni is related to "a generic tool capable of discovering, retrieving the description, viewing events, and controlling any UPnP device present in the network." Manni, paragraph [0002]. This does not disclose "identifying an original format of ... media content," as recited in claim 1. Manni does not disclose "different media data streams corresponding to the same media content, the media data streams comprising an original media data stream and a non-original media data stream." In fact, the word "original" is not used anywhere in Manni.

In view of the foregoing, Applicant respectfully submits that claim 1 is allowable. Accordingly, Applicant respectfully requests that the rejection of claim 1 be withdrawn.

Claims 4-6 and 8-9 depend from claim 1. Claims 10 and 19 have been amended similarly to claim 1. Claims 13-15 and 17-18 depend from claim 10, and claims 22-24 and 26-27 depend from claim 19. Accordingly, Applicant respectfully requests that the rejection of claims 4-6, 8-10, 13-15, 17-19, 22-24, and 26-27 be withdrawn for at least the same reasons as those presented above in relation to claim 1.

Claims 2-3, 11-12, 16, 20-21, and 25 have been canceled. Accordingly, Applicant respectfully requests that the rejection of claims 2-3, 11-12, 16, 20-21, and 25 be withdrawn.

Appl. No. 10/675,033
Amdt. dated January 4, 2008
Reply to Office Action of September 4, 2007

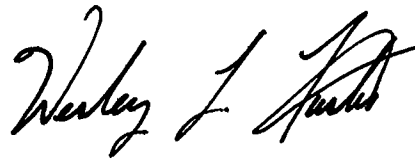
B. Claim 7 Rejected Under 35 U.S.C. § 103(a)

Claim 7 stands rejected under 35 U.S.C. § 103(a) based on O'Rourke in view of U.S. Patent Application Publication No. 2002/0027569 to Manni (hereinafter, "Manni"). Claim 7 has been canceled. Accordingly, Applicant respectfully requests that the rejection of claim 7 be withdrawn.

C. Conclusion

Applicant respectfully asserts that all pending claims are allowable over the cited references, and request that a timely Notice of Allowance be issued in this case. If there are any remaining issues preventing allowance of the pending claims that may be clarified by telephone, the Examiner is requested to call the undersigned.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Wesley L. Austin". The signature is fluid and cursive, with the first name "Wesley" being the most prominent.

/Wesley L. Austin/

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Date: January 4, 2008

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